

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL CASE NO. H-07-188
	§	
KEITH STEVEN RAYBON	§	

MEMORANDUM AND ORDER

Defendant Keith Steven Raybon filed a Motion to Dismiss Counts Two Through Twelve of the Indictment Based on the Statute of Limitations (“Motion to Dismiss”) [Doc. # 153], to which the United States filed a Response [Doc. # 158].¹ Raybon was charged in Count One of a fourteen-count Indictment with conspiracy to commit mortgage fraud. In Counts 2-12, Defendants are charged with wire fraud in which the alleged fraud occurred prior to May 10, 2002. Defendants are charged in Counts 13-14 with wire fraud in which the alleged fraud occurred after May 10, 2002.


Raybon argues in his Motion to Dismiss that Counts 2-12 of the Indictment are barred by the five-year statute of limitations for wire fraud set forth in the general limitations statute, 18 U.S.C. § 3282(a). The wire fraud allegations in Counts 2-12,

¹ The Motion to Dismiss is joined by Defendants Patricia Lennon, Hollys Heasley, Jeannie Nelson, and Heather Adams. *See* Motion to Dismiss, ¶ 4.

however, include the allegation that the wire fraud affected a financial institution. Consequently, the statute of limitations for Counts 2-12 is ten years, not five years. *See* 18 U.S.C. § 3293(2). The Indictment was returned within that limitations period and, as a result, it is hereby

ORDERED that the Motion to Dismiss [Doc. # 153] is **DENIED**.

SIGNED at Houston, Texas, this 4th day of **December, 2008**.



Nancy F. Atlas
United States District Judge